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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   ) CASE NO. 06-27M  
10    )  
11         Plaintiff,                                      )  
12    )  
13         v.    ) DETENTION ORDER  
14    )  
15         MICHAEL MILLER,                                )  
16    )  
17         Defendant.                                      )  
18    )  
19    )  
20    )  
21    )

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22         Offense charged:

23                   Felon in Possession of a Firearm - Armed Career Criminal; Possession of a Stolen Firearm

24         Date of Detention Hearing: January 31, 2006

25                   The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
26                   based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
27                   that no condition or combination of conditions which defendant can meet will reasonably assure  
28                   the appearance of defendant as required and the safety of other persons and the community.

29         FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

30         (1)        Defendant is charged by Indictment in the District of South Dakota. A hearing was

01 held in this District pursuant to CrR 5(c)(3)D(ii), following which a finding was entered that  
02 probable cause existed to establish that the defendant was the same person named in the Indictment.

03 (2) Defendant has a lengthy criminal record that includes multiple failures to appear  
04 and modifications of sentence for non-compliance. Defendant is currently under the supervision  
05 of this Court for Case Number 03-545, and has been found in violation of the conditions of  
06 supervised release three times for charges including use of controlled substances, failure to  
07 participate in a substance abuse program, failing to complete halfway house placement, failing to  
08 report to the probation officer, and committing new criminal offenses.

09 (3) Defendant was not interviewed by Pretrial Services. Updated background  
10 information is not available.

11 (4) Defendant does not contest detention.

12 (5) Defendant poses a risk of nonappearance due a history of failure to appear, a  
13 history of noncompliance with court orders, and lack of current background information. He  
14 poses a risk of danger due to criminal history and the nature of the current charges.

15 (6) There does not appear to be any condition or combination of conditions that will  
16 reasonably assure the defendant's appearance at future Court hearings while addressing the danger  
17 to other persons or the community.

18 It is therefore ORDERED:

19 (1) Defendant shall be detained pending trial and committed to the custody of the  
20 Attorney General for confinement in a correction facility separate, to the extent  
21 practicable, from persons awaiting or serving sentences or being held in custody  
22 pending appeal;

- 01 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
02 counsel;
- 03 (3) On order of a court of the United States or on request of an attorney for the  
04 Government, the person in charge of the corrections facility in which defendant is  
05 confined shall deliver the defendant to a United States Marshal for the purpose of  
06 an appearance in connection with a court proceeding; and
- 07 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
08 counsel for the defendant, to the United States Marshal, and to the United States  
09 Pretrial Services Officer.

10 DATED this 31st day of January, 2006.

11   
12 Mary Alice Theiler  
13 United States Magistrate Judge